

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Lisa Marie Perez v. Lavelle Parker

Perez v. Parker · No. 2:24-cv-03285-DJC-SCR · Decided October 20, 2025

SUMMARY

The United States District Court for the Eastern District of California dismissed Lisa Marie Perez’s habeas corpus petition under 28 U.S.C. § 2254. The court concluded that the petition was second or successive because it challenged the same state-court judgment as an earlier petition and further held that the sentencing-credit claims were not cognizable on federal habeas review.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Daniel J. Calabretta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 20, 2025
DOCKET	2:24-cv-03285-DJC-SCR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. After a magistrate judge issued findings and recommendations recommending disposition, petitioner filed objections. The district court conducted de novo review and dismissed the petition.
STANDARD OF REVIEW	De novo review of the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1)(C) and Local Rule 304.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation
PARTIES	Lisa Marie Perez v. Lavelle Parker, Warden

TOPICS

- federal habeas corpus
- successive petitions
- post-conviction relief

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief
- criminal procedure

QUESTIONS PRESENTED

1. Whether the petition was second or successive because it challenged the same state-court judgment as an earlier habeas petition.
2. Whether the petition could proceed without prior authorization from the Ninth Circuit.
3. Whether claims concerning the denial of state sentencing credits were cognizable in federal habeas proceedings.

HOLDINGS

1. A habeas petition is second or successive when it challenges the same state-court judgment challenged in an earlier petition, even if the petitioner contends that the particular credits or claims differ.
2. A petitioner must obtain authorization from the Ninth Circuit before filing a second or successive habeas petition.
3. Claims asserting errors of state sentencing law, including the denial of state sentencing credits, are not cognizable in federal habeas proceedings and cannot be converted into federal claims merely by invoking the federal Constitution.

KEY QUOTATIONS

“Errors of state law do not come within the scope of federal habeas jurisdiction, Estelle v. McGuire, 502 U.S. [62, 67 (1991)], and sentencing is a quintessentially state law matter that is not reviewable in federal habeas.” (at 2)

“Petitioner cannot transform her state law issues into federal ones merely by invoking the federal constitution.” (at 2)

FACTUAL BACKGROUND

Perez, a state prisoner, challenged the denial of sentencing credits in a federal habeas petition. The district court determined that the petition challenged the same state-court judgment as an earlier petition, notwithstanding Perez's contention that the credits at issue differed from those challenged previously in *Belyew v. Parker*. The court also concluded that the sentencing-credit claims raised issues of state law rather than cognizable federal habeas claims.

PROCEDURAL HISTORY

Perez filed a state-prisoner application for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a magistrate judge, who issued findings and recommendations on May 29, 2025. Perez objected, arguing that the sentencing-credit claims differed from those raised in an earlier petition. The district court adopted the findings and recommendations in part, dismissed the application, declined to issue a certificate of appealability, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Belyew v. Parker, No. 2:19-cv-0294-DAD-AC (E.D. Cal.)
- Magwood v. Peterson, 561 U.S. 320, 332 (2010)
- Magwood v. Peterson, 541 U.S. 320, 331 (2010)
- Burton v. Stewart, 549 U.S. 147, 157 (2007)
- Estelle v. McGuire, 502 U.S. 62, 67 (1991)
- Miller v. Vasquez, 868 F.2d 1116, 1118-19 (9th Cir. 1989)
- Langford v. Day, 110 F.3d 1380 (9th Cir. 1997)

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